

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMIE HAWLEY,

Plaintiff

v.

C-1-13-729

OHIO DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 2) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontested.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 2) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's Motion to Proceed *In Forma Pauperis* (doc. no. 1) is DENIED. Plaintiff is ORDERED to pay the full \$400.00 fee (\$350.00 filing fee plus \$50.00 administrative fee) required to commence this action within thirty (30) days. Plaintiff is hereby notified that failure to pay the full \$400.00 fee within thirty days will result in the dismissal of his action.

See In re Alea, 286 F.3d 378, 382 (6th Cir. 2002).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that, for the foregoing reasons, an appeal of this Order would not be taken in good faith. *See, McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

This case is RECOMMITTED to the Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court